



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,393	03/17/2004	Mason Greene	EURO-219 (86084.015000)	3663
7590 Michael I. Wolfson Greenberg Traurig LLP 200 Park Avenue New York, NY 10166			EXAMINER HOPKINS, ROBERT A	
			ART UNIT 1724	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		12/19/2006	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/802,393

Applicant(s)

GREENE ET AL.

Examiner

Robert A. Hopkins

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11-24-06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 11-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Election/Restrictions*

Applicant's election without traverse of group I, claims 1-10 in the reply filed on 11-24-06 is acknowledged.

Claims 11-16 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected group II, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 11-24-06.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3,5-9 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Hitzelberger et al(2004/0010885).

Hitzelberger et al teaches an air separation and dirt collection device for bagless vacuum cleaner comprising an elongated container(26) having a cylindrical sidewall, a closed top(46) and a bottom with a central opening(58), a tangential air inlet(49) formed in the upper portion of the sidewall, a central hollow tube extending the full length of the container having an outwardly and downwardly extending skirt(84) disposed on the mid-portion of the tube, an upper portion of the center tube above the skirt being open to the

passage of air(open section 68), and a lower portion(60) being impervious to the passage of air. Hitzelberger et al further teaches wherein the outer diameter of the skirt extend to between about 70 to 85 percent of the diameter of the cylindrical container. Hitzelberger et al further teaches wherein the central tube has an outer diameter between about 35 to 45 percent of the diameter of the container sidewall. Hitzelberger et al further teaches wherein the bottom surrounding the central tube is arcuately curved with the inside of the arc facing the inside of the container. Hitzelberger et al further teaches wherein the bottom is configured to engage a disk-shaped filter cartridge positioned against the outside of the bottom. Hitzelberger et al further teaches wherein the open upper portion of the column includes a screening(72) covering the openings.

Claim 10 is rejected under 35 U.S.C. 102(e) as being clearly anticipated by Hitzelberger et al(2004/0010885).

Hitzelberger et al teaches a vacuum cleaner including an elongated housing including a suction source and a dirty air inlet and having an opening for receiving a dirt separation and collection container, the container comprising an elongated container(26) having a cylindrical sidewall, a closed top(46) and a bottom with a central opening(58), a tangential air inlet(49) formed in the upper portion of the sidewall, a central hollow tube extending the full length of the container having an outwardly and downwardly extending skirt(84) disposed on the mid-portion of the tube, an upper portion of the center tube above the skirt being open to the passage of air(open section 68), and a lower portion(60) being impervious to the passage of air.

Claims 1-3,5-9 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by McCormick et al(7070636)

McCormick et al teaches an air separation and dirt collection device for bagless vacuum cleaner comprising an elongated container(160) having a cylindrical sidewall, a closed top and a bottom with a central opening(112), a tangential air inlet(110) formed in the upper portion of the sidewall, a central hollow tube extending the full length of the container having an outwardly and downwardly extending skirt(148,150) disposed on the mid-portion of the tube, an upper portion of the center tube above the skirt being open to the passage of air(screen 138 in figure 4), and a lower portion(114) being impervious to the passage of air. McCormick et al further teaches wherein the outer diameter of the skirt extend to between about 70 to 85 percent of the diameter of the cylindrical container. McCormick et al further teaches wherein the central tube has an outer diameter between about 35 to 45 percent of the diameter of the container sidewall. McCormick et al further teaches wherein the bottom surrounding the central tube is arcuately curved with the inside of the arc facing the inside of the container. McCormick et al further teaches wherein the bottom is configured to engage a disk-shaped filter cartridge((152); column 7 lines 33-36) positioned against the outside of the bottom. McCormick et al further teaches wherein the open upper portion of the column includes a screening(138) covering the openings.

Claim 10 is rejected under 35 U.S.C. 102(e) as being clearly anticipated by McCormick et al(7070636)

McCormick et al teaches a vacuum cleaner including an elongated housing including a suction source and a dirty air inlet and having an opening for receiving a dirt separation and collection container, the container comprising an elongated container(26) having a cylindrical sidewall, a closed top and a bottom with a central opening(112), a tangential air inlet(110) formed in the upper portion of the sidewall, a central hollow tube extending the full length of the container having an outwardly and downwardly extending skirt(148,150) disposed on the mid-portion of the tube, an upper portion of the center tube above the skirt being open to the passage of air(screen 138 in figure 4), and a lower portion(114) being impervious to the passage of air.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Hitzelberger et al(2004/0010885) or McCormick et al(7070636) taken together with Nakai et al(7014675).

Hitzelberger et al and McCormick et al teach all of the limitations of claim 4 but is silent as to wherein the bottom is hinged to the sidewall and selectively openable for removal of dirt collected thereon. Nakai et al teaches a vacuum cleaner with a dust collection unit, the unit having a bottom, wherein the bottom includes a lower suction opening and wherein the bottom is hinged to the sidewall and selectively openable for

Art Unit: 1724

removal of dirt collected thereon. It would have been obvious to someone of ordinary skill in the art at the time of the invention to provide a bottom which is hinged to the sidewall and selectively openable for removal of dirt collected thereon on the structures of Hitzelberger et al and McCormick et al in order to provide for easier removal of collected dust and dirt.

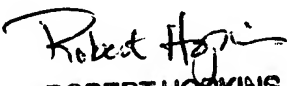
Art Unit: 1724

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert A. Hopkins whose telephone number is 571-272-1159. The examiner can normally be reached on Monday-Thursday, 7:30am-5pm, every Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Rah  
December 13, 2006

  
ROBERT HOPKINS  
PRIMARY EXAMINER  
A.U. 1724